

How the Pentagon papers battle shielded Nixon plan for China trip

"Pentagon papers 'delay also saved CIA agents' lives, helped allied regimes, safeguarded key emissaries."

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WASHINGTON — One prime reason why the government went into court to try to stop publication of the Pentagon papers was a fear that certain disclosures might wreck the secret planning then under way for President Nixon's anticipated trip to Communist China.

In going to court, the government's top lawyers believe they also saved the lives of several Americans, headed off some grave security leaks and preserved the machinery of some of today's most delicate and secret peace moves involving many countries of the East and West.

The Washington-Peking thaw is one of them. Mr. Nixon, it can be said on high authority, shares this view.

So even though the Supreme Court ruled, 5-3, that the New York Times and Washington Post could resume printing material from the top-secret Pentagon study of U.S. involvement in Indochina, the government feels it won more than it lost.

Two factors are vital in the government's reasoning.

One was the two-week period, June 15 to July 1, during which the administration's court tactics kept the Times, Post and some other newspapers from publishing the documents.

The second factor, now in the Supreme Court's vault, is a single-spaced typewritten list of "10 items" from the Pentagon study. The government contends these items would cause "grave international harm" if disclosed at any time.

These two elements—the two-week time span and the 10-item list—are interlocking.

Together they constitute the heart of the government's contention that it went into court, not to prevent embarrassment to previous administrations or to thwart the First Amendment, but to head off "irreparable injury" to the global security of the United States.

(Daniel Ellsberg, the former Pentagon staffer and Rand Corp. employee, has said repeatedly that he was the conduit to the New York Times, the Post and other newspapers.)

As proof of the government's success in this respect, the official cited the nature of stories in the Times and Post after the Supreme Court gave them permission to resume publication of the Pentagon papers.

"They haven't surfaced any of the ultra sensitive stuff on the 10-item list," he said.

What the government feels it gained from its lawsuits, in spite of the Supreme Court verdict:

• The two-week injunction period gave the Central Intelligence Agency (CIA) sufficient time to "extract" key agents from dangerous assignments abroad.

These agents "almost certainly would have been killed," one source said, had several Pentagon documents been printed or described in detail.

"By going into court we gained enough time to get them the hell out," he said.

Removal of these agents—six in particular—appears to have been accomplished "without blowing anybody's cover," to use the phrase of one intelligence official. In other words, the agents may be able to resume their assignments later, without tipping off unfriendly governments.

• The lawsuits gave the government an opportunity, beneath the formal umbrella of the federal courts, to use in-chambers sessions to acquaint the judges and Times and Post editors with the highly sensitive nature of some portions of the 47-volume Pentagon study.

"It might have appeared to be only ancient history to some people," one knowledgeable official said. "But it was a acute and current matter of highest priority. Disclosure certainly would damage present relations with many countries, especially behind the Iron and Bamboo curtains."

In other words, since the newspapers involved had not availed themselves of the government's declassifying process for the Pentagon papers, the government used the courts as a mechanism to "get the message across."

U.S. Attorney Whitney North Seymour first submitted a 22-page "special appendix" before the federal Appellate Court in New York in the New York Times case, citing items in the Pentagon study which the government believed would cause grave national danger if disclosed. When the case moved to the Supreme Court, Solicitor General Irwin H. Griswold summarized these matters in his 19-item list given to the justices in a sealed envelope for in-chambers perusal.

What the government believes it has been successful in preventing is the publication of details of certain Pentagon papers on that list, obtained by this reporter. The contents are summarized here only in general terms so as not to violate security.

The News has been assured that the following points, without further amplification, do not offer any security breach or threat to the people involved.

• The Pentagon study included precise documentation of American reconnaissance and intelligence activities involving certain Asian countries supporting Hanoi's side in the Vietnam war.

These activities were known to be taking place by the spied-upon countries but they were technically unable to stop it and so had said nothing publicly.

But publication of official U.S. documents from the Pentagon papers, detailing specifics of the reconnaissance activity, undoubtedly would have required these countries to respond publicly against the United States "in a most bellicose fashion" to quote American officials.

The ensuing diplomatic crisis, they believe, would have undercut current U.S. efforts to improve relations with these countries.

One can assume that among initiatives that would have been jeopardized, if not destroyed, is Mr. Nixon's scheduled trip to mainland China before next May and his administration's efforts to normalize relations with that diplomatically-unrecognized country of 800 million persons.

At the height of the Pentagon papers controversy, Chinese, American and some key foreign diplomats were secretly arranging with Peking the two-day visit by Dr. Henry A. Kissinger. White House foreign policy officials